

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PHILIP BERRYMAN,

Petitioner,

Case Number: 07-14782

Honorable George Caram Steeh

v.

DEBRA SCUTT,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S
MOTION TO CORRECT MAGISTRATE'S JUDGE'S ORDER**

Petitioner Philip Berryman has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Before the Court now is Petitioner's motion requesting the Court to correct the Magistrate Judge's order, dated April 30, 2008. (Docket # 17).

Having reviewed the docket entries, the Court denies Petitioner's motion. According to the docket report, the Clerk of the Court inadvertently failed to docket the Court's Order requiring Respondent to respond to Petitioner's petition by May 12, 2008. As a result, Respondent has not filed an appearance with the Court. Therefore, the Court will adhere to the April 30, 2008 Order, requiring Respondent to respond to the petition by November 6, 2008.

Accordingly, **IT IS ORDERED** that Petitioner's motion [Docket # 17] is **DENIED**.

Dated: May 15, 2008

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
May 15, 2008, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk